



**STATE OF RHODE ISLAND
RHODE ISLAND DEPARTMENT OF HEALTH**

**ELIZABETH M. TANNER, ESQ.
IN HER CAPACITY AS CHAIR OF THE
RHODE ISLAND COVID-19 ENFORCEMENT
TASK FORCE**

**IN THE MATTER OF:
K&B Quick Mart
Violations of Executive Orders and
RI Department of Health Regulations**

NOTICE OF VIOLATION AND COMPLIANCE ORDER

Now comes the Chair (the “Chair”) of the Rhode Island COVID-19 Enforcement Task Force (“Task Force”) and pursuant to R.I. Gen. Laws § 23-1-20, Executive Order 20-32, Executive Order 20-40, and Rhode Island Department of Health (“RIDOH”) regulation 216-RICR-50-15-7 (the “Safe Regulations”), determines there are reasonable grounds that K&B Quick Mart (“Respondent”) is in violation of Executive Order and or the Safe Regulations, and provides notice thereof.

REASONABLE GROUNDS FOR DETERMINATION OF VIOLATION

- I. Respondent is a critical retail establishment located at 274 Friendship Street, in Westerly.
- II. Respondent is a covered entity as defined in the Safe Regulations. As such, the Respondent is required to comply with applicable Executive Orders and the Safe Regulation.
- III. On or about May 29, 2020, Task Force inspectors conducted a Phase 1 Healthy Environment inspection of the Respondent. At that time, inspectors conducted a checklist inspection of

twelve items based on the Safe Regulations and determined that Respondent scored a 3 out of 12 and was not in compliance with applicable Executive Orders and/or the Safe Regulations. In response, inspectors educated the Respondent and the inspectors advised that they would be returning in approximately one week to conduct a follow up inspection on Respondent.

- IV. On or about June 6, 2020, Task Force inspectors conducted a Phase 2 reinspection of Respondent. At that time, inspectors conducted a checklist inspection of eleven items based on the Safe Regulations and determined that the Respondent scored a 3 out of 11 and was still not in compliance with applicable Executive Orders and/or the Safe Regulations. In response, inspectors once again educated the Respondent and the inspectors advised that they would be returning in approximately one week to conduct a follow up inspection of Respondent.
- V. On or about June 15, 2020, Task Force inspectors conducted another reinspection of the establishment. At that time, inspectors conducted a checklist inspection of eleven items based on the Safe Regulations and determined that the Respondent scored a 5 out of 11 and was still not in compliance with applicable Executive Orders and/or the Safe Regulations.
- VI. As a result of the Respondent's continued failure to comply with applicable Executive Orders and the Safe Regulations, and in the absence of any other information to rebut the allegations above, RIDOH has drawn the conclusion that the above allegations are true, and the Respondent is not in compliance with applicable Executive Orders and/or the Safe Regulations.

ALLEGED VIOLATIONS

The following alleged violations stem from the XXXX, 2020 reinspection.

- I. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(1) of the Safe Regulations, which requires each covered entity to develop and maintain a written plan for the safe operation of the establishment. Upon request, Respondent did not provide a written plan.

- II. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(6) & (7) of the Safe Regulations, which requires each covered entity to ensure the performance of environmental cleaning of their establishments once per day and to maintain records documenting such environmental cleaning. Respondent did not conduct daily cleaning and had no required records.
- III. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(2) of the Safe Regulations, which requires each covered entity to implement and ensure compliance with screening of all individuals entering its establishment(s) at any time for any reason. Upon observation, the Respondent did not conduct screening activities.
- IV. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(4) of the Safe Regulations, which requires each covered entity to ensure the placement of posters or signs at entry to its establishments educating any individual at the establishment concerning entry screening, required social distancing, use of cloth face coverings, and other subjects as provided in guidance issued by the Department. Inspectors observed that required posters were absent from the entry to the establishment and concluded, therefore, that the Respondent failed to ensure the placement of required posters.
- V. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(5) of the Safe Regulations, which requires all covered entities to ensure that their establishments have their restrooms open, and that they have running water and are stocked with hand soap. If access to restrooms or running water is limited, the establishment shall ensure ready access to hand sanitizer at all times. Upon observation, the Respondent did not have its restrooms open and did not have ready access to hand sanitizer available.
- VI. Respondent is in violation of 216-RICR-50-15-7.4(A)(1)(a) of the Safe Regulations, which requires all individuals in public or in an establishment to maintain social distancing at all times, to the extent feasible, and to include additional measures to be taken in high traffic, communal, or

other areas where social distancing is not feasible. Inspectors observed that, though feasible, social distancing was not maintained at all times in the establishment.

ORDER

It is hereby ORDERED, that on or before the tenth (10th) day from service of this Notice of Violation and Compliance Order, Respondent shall remedy the above cited violations and come into full compliance with applicable Executive Orders and Regulations, by fulfilling the conditions as set forth below:

- I. Respondent shall develop and maintain a written plan for the safe operation of the establishment.
- II. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and maintain records documenting such environmental cleaning.
- III. Respondent shall implement and ensure compliance with screening of all individuals entering its establishment(s) at any time for any reason.
- IV. Respondent shall ensure the placement of posters or signs at entry to its establishment educating any individual at the establishment concerning entry screening, required social distancing, use of cloth face coverings, and other subjects as provided in guidance issued by RIDOH.
- V. Respondent shall ensure that its establishment has its restroom open, and that they have running water and are stocked with hand soap. If access to restrooms or running water is limited, the establishment shall ensure ready access to hand sanitizer at all times.
- VI. Respondent shall ensure that social distancing is maintained at all times, to the extent feasible, and to include additional measures to be taken in high traffic, communal, or other areas where social distancing is not feasible.

Failure to comply with this ORDER may result in the imposition of civil fines, the issuance of an immediate compliance order, and/or any other action authorized by regulation, the Act, or other applicable law.

Entered this 23rd day of June 2020.

A handwritten signature in cursive script, reading "Elizabeth M. Tanner", enclosed within a thin black rectangular border.

Elizabeth M. Tanner, Esq.
Chair
Rhode Island COVID-19 Enforcement Task Force
RI Department of Health
Cannon Building, Rm. 401
Three Capitol Hill
Providence, RI 02908

**A WRITTEN REQUEST FOR A HEARING MAY BE FILED IN WRITING WITHIN
TEN DAYS AFTER THIS NOTICE**